

ORDINANCE NO. 99 - 27

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE TEXT OF THE CAPITAL IMPROVEMENT ELEMENT (TO REVISE THESE ELEMENTS FOR CONSISTENCY WITH THE MANAGED GROWTH TIER SYSTEM); AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted a public hearing on February 12, February 19, and March 12, 1999, to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on March 30, 1999, to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

1 WHEREAS, Palm Beach County received on June 21, 1999, the
2 Department of Community Affairs "Objections, Recommendations, and
3 Comments Report," dated June 18, 1999, which was the Department's
4 written review of the proposed Comprehensive Plan amendments; and

5 WHEREAS, the written comments submitted by the Department of
6 Community Affairs contained no objections to the amendments contained
7 in this ordinance;

8 WHEREAS, on August 17, 1999, the Palm Beach County Board of County
9 Commissioners held a public hearing to review the written comments
10 submitted by the Department of Community Affairs and to consider
11 adoption of the amendments; and

12 WHEREAS, the Palm Beach County Board of County Commissioners has
13 determined that the amendments comply with all requirements of the
14 Local Government Comprehensive Planning and Land Development
15 Regulations Act.

16 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
17 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

18 Part I. Amendments to the 1989 Comprehensive Plan

19 Amendments to the text of the following Element of the 1989
20 Comprehensive Plan are hereby adopted and attached to this Ordinance in
21 Exhibit 1:

22 A. **Capital Improvement Element**, to revise for consistency with
23 the Managed Growth Tier System; and

24 B. Amending all elements as necessary for internal consistency.

25 Part II. Repeal of Laws in Conflict

26 All local laws and ordinances applying to the unincorporated area
27 of Palm Beach County in conflict with any provision of this ordinance
28 are hereby repealed to the extent of such conflict.

29 Part III. Severability

30 If any section, paragraph, sentence, clause, phrase, or word of
31 this Ordinance is for any reason held by the Court to be

1 unconstitutional, inoperative or void, such holding shall not affect
2 the remainder of this Ordinance.

3 Part IV. Inclusion in the 1989 Comprehensive Plan

4 The provision of this Ordinance shall become and be made a part
5 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
6 Ordinance may be renumbered or relettered to accomplish such, and the
7 word "ordinance" may be changed to "section," "article," or any other
8 appropriate word.

9 Part V. Effective Date

10 The effective date of this plan amendment shall be the date a
11 final order is issued by the Department of Community Affairs or
12 Administration Commission finding the amendment in compliance in
13 accordance with Section 163.3184, Florida Statutes, whichever occurs
14 earlier. No development orders, development permits, or land uses
15 dependent on this amendment may be issued or commence before it has
16 become effective. If a final order of noncompliance is issued

1 by the Administration Commission, this amendment may nevertheless be
2 made effective by adoption of a resolution affirming its effective
3 status, a copy of which resolutions shall be sent to the Department of
4 Community Affairs, Bureau of Local Planning, 2740 Centerview Drive,
5 Tallahassee, Florida 32399-2100. APPROVED AND ADOPTED by the Board
6 of County Commissioners of Palm Beach County, on the 17 day of
7 August, 1999.

8 ATTEST:
9 DOROTHY H. WILKEN, Clerk

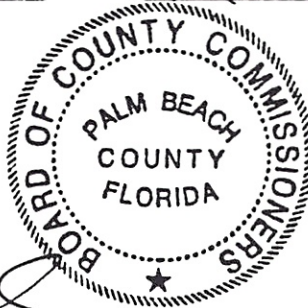
PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

10 By: Joan Perry
11 Deputy Clerk

By: Mande Ford Lee
Chair

12 APPROVED AS TO FORM AND
13 LEGAL SUFFICIENCY

14 [Signature]
15 COUNTY ATTORNEY



16 Filed with the Department of State on the 25th day
17 of August, 1999.

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EXHIBIT 1

A. Capital Improvement Element, Managed Growth Tier System Revisions

REVISIONS: To revise for consistency with the Managed Growth Tier System. The revisions are numbered below, and shown with the added text underlined, and the deleted text ~~struck out~~.

OBJECTIVE 1.1 Minimum Level of Service

1. **REVISED - Policy 1.1-a: Minimum Level of Service Standards:** The minimum level of service standards for a Certificate of Concurrency required for approval of a Development Order or Permit are established in the following elements:

ELEMENT	Location of Level of Service Reference in Respective Element
Traffic circulation	Policy 1.4b
Mass transit	Policy 1.1a
Transportation	<u>Objective 1.1</u>
Potable water and sanitary sewer	Policies 1.2-a, 1.2-b, 1.3-a, 1.3-b, 1.5-a, 1.5-b <u>Policies 1.2-a, 1.2-b, 1.2-f, 1.3-a, 1.3-b, 1.3-d, 1.3-e</u>
Solid waste	Objective 1.2
Storm water management	Policy 1.1a (table 1, level of protection) <u>Policies 1.1-a, 1.1-b, 1.1-c</u>
Recreation/open space	Policy 1-c <u>Objective 1.2</u>
Fire/Rescue	Policy 1.2-a

OBJECTIVE 1.4 Criteria for Prioritizing Capital Improvements

2. **REVISED - Policy 1.4-a:** In the absence of legal constraints on the use of revenues, projects and programs shall be funded in order to (these criteria are not listed in order of importance):

- Correct public hazards;
- Eliminate existing deficiencies as described by the minimum levels of service;
- Provide capacity for developments that have received a determination as a Committed Development when such developments are within the Urban Service Area;
- Provide for the renewal and replacement of, and improvement to, existing public infrastructure and physical assets;
- Maintain levels of service as new growth occurs;
- Increase existing levels of service to desired levels of service; and,
- Implement the Goals, Objectives and Policies of other Plan Elements.

3. **NEW Policy 1.4-b:** The County shall prioritize projects, programs and services, and their associated facilities in the annual Capital Project Request Proposals. These proposals shall be categorized as follows:

Essential: Services that are directly related to protecting the immediate health and safety of citizens from an existing or imminent hazard. An example would be an expenditure request which responds to a danger arising from an imminent bridge failure. Essential services shall be provided throughout the County.

Necessary: Services that are directly related to maintaining the level of service for concurrency items mandated by State law and fire-rescue services. Examples include expenditure requests which are necessary to meet the minimum level of service standards for concurrency regarding roadway, mass transit, potable water, wastewater, solid waste, stormwater protection, recreation/open space, and fire-rescue. Necessary services shall be provided throughout the County.

Desirable: Services that are related to enhancing the desirability of Palm Beach County as a place to live. Examples include expenditure requests for libraries, and roadway beautification. The Urban/Suburban Tier shall be given the highest priority within this category, followed by the Exurban Tier, and then the Rural Tier.

4. **NEW - Policy 1.4-e:** By October, 2000, the Office of Financial Management and Budget, in cooperation with appropriate agencies, shall investigate means to minimize assessments for public improvements within the Revitalization and Redevelopment Overlay, through the MSTU program, grants, and all other alternative state and federal financial sources to fund capital projects.
5. **NEW - Policy 1.4-f:** County departments shall give Revitalization and Redevelopment Overlay areas in unincorporated Palm Beach County special consideration when prioritizing capital projects that correct service and infrastructure deficiencies for inclusion in the annual Capital Improvement Program.
6. **NEW - Policy 1.4-g:** In accordance with the Future Land Use Objective 3.3, the County shall not subsidize urban levels of service for potable water or sanitary sewer services in the Limited Urban Service Areas. The County will limit funding of potable water and sanitary sewer services to special assessments or the collection of appropriate connection fees.

OBJECTIVE 1.5 Urban, Limited Urban, and Rural Service Areas

7. REVISED - Objective 1.5 Urban, Limited Urban, and Rural Service Areas

The County shall, through the identification of Urban, Limited Urban, and Rural Service Areas shown on the Land Use Plan Atlas and the Service Area Map, allocate financial resources according to a schedule of capital improvements that maintain the adopted levels of service identified for that service area.

8. **DELETED - Policy 1.5-a:** ~~The County shall designate Urban and Rural Service Areas. The Rural Service Area shall be the area designated as the rural service area on the Land Use Plan Atlas, and contained in the Map Series.~~
9. **REVISED - Policy 1.5-a: Policy 1.5-b:** The minimum levels of service provided in the Urban, Limited Urban and Rural Service Areas shall be as identified in Objective 1.1 of the Capital Improvement Element.

*Note that this renumbering causes the following renumbering **Policy 1.5-c** to become **Policy 1.5-d**. The policy content remains unchanged.*

10. **REVISED - Policy 1.5-c: Policy 1.5-d:** Urban levels of service shall not be provided by any governmental entity (outside of its existing service area boundary) within the Rural Service Area of the unincorporated area, except where:
 1. The Rural Service Area receives urban services pursuant to Objective 1.1 in this Element; or
 2. An urban level of service is required to correct a demonstrated public health hazard.
 3. Development on a parcel in the Rural Tier that is adjacent to water and/or sewer lines which existed prior to the adoption of the Comprehensive Plan in 1989 shall be allowed to connect to those existing lines and shall be allowed to connect to public sewer and/or water when required by the Public Health Department. This policy shall not allow the extension of new water and/or sewer lines into the Rural Tier to serve development without first amending the Service Areas Map and the Future Land Use Atlas to reflect a change in the service area boundary.

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STATE OF FLORIDA, COUNTY OF PALM BEACH,
I, DOROTHY H. WILKEN, ex-officio, Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on 8-17-99
DATED at West Palm Beach, FL. on 9-7-99
By Dorothy H. Wilken, Clerk
D.C.

